

BEFORE
THE PUBLIC SERVICE COMMISSION OF
SOUTH CAROLINA
DOCKET NO. 2002-192-E - ORDER NO. 2003-506

AUGUST 14, 2003

IN RE: South Carolina Electric & Gas Company,)	ORDER GRANTING
)	MOTION TO
Complainant,)	SUPPLEMENT
)	EXHIBITS
vs.)	
)	
Palmetto Electric Cooperative, Inc.,)	
)	
Respondent.)	
_____)	

This matter comes before the Public Service Commission of South Carolina (the Commission) on the Motion of Palmetto Electric Cooperative (Palmetto or the Coop.) to supplement the prefiled exhibits in this case. South Carolina Electric & Gas Company (SCE&G) has filed a Response to the Motion, opposing it. Because of the reasoning below, we grant the motion.

Palmetto moves to add certain exhibits to the exhibits already prefiled in this case. The documents are attached to the Motion. The first document was mentioned in the Coop.'s prefiled testimony, but was not furnished with the other exhibits. The remaining four documents constitute various records regarding Palmetto's provision of electric service to one Addie Graham, said documents not having been furnished pursuant to the Commission's prefiling Order, Order No. 2002-874.

Palmetto cites as grounds for the supplementation an over-arching public policy objective in these matters to insure that the Commission's decisions are based upon the complete facts. According to Palmetto, "the search for truth must always guide the application of procedural rules." Motion at 1. Further, the Coop. states that there is no surprise or prejudice to SCE&G. Palmetto alleges that SCE&G already has possession of copies of the first two documents and that the other documents do not raise new theories or new grounds for the Coop.'s position, but corroborate what is shown by the existing prefiled testimony and exhibits, that is, that the Coop. was serving the Graham residence from the distribution line at issue prior to July, 1969. Lastly, Palmetto consents in the Motion to allowing SCE&G to supplement its own exhibits with any additional relevant responsive materials that it wants to use.

SCE&G responded in opposition to the Motion. The grounds for the opposition are that (a) the exhibits are not timely; (b) the hand drawn line on the undated staking sheet does not conform to the relevant "A" sheet agreed to by and between the parties; and (c) even assuming that the new exhibits are viewed as the Coop. urges, the Graham line would not give rise to a claim of corridor rights to serve the facility in question, since it is not within 300 feet of the Walsh facility.

We grant the Motion. We agree with the Coop. that our ultimate decision in this matter should be based on the complete facts, and that the search for truth should guide the application of procedural rules. Further, we agree that there is no prejudice to SCE&G. The Company is already in possession of two of the documents. Further, we

also agree that the remaining documents merely corroborate Palmetto's already existing theory in this case, which is no surprise to SCE&G.

Although we agree with SCE&G that the exhibits are not being filed in a timely fashion, we believe that they could constitute relevant evidence in this case that may aid us in making our decision. The Coop. must still move them into the record in the hearing, wherein their relevance could be challenged at that time. The other matters asserted by SCE&G in opposition to the Coop.'s Motion are still to be decided by us after the evidentiary hearing, so these are really not before us at this time.

In summary, we grant the Motion to supplement the prefiled Coop. exhibits.

This Order shall remain in full force and effect until further Order of the Commission.

BY ORDER OF THE COMMISSION:



Mignon L. Clyburn, Chairman

ATTEST:



Gary E. Walsh, Executive Director

(SEAL)